

EXHIBIT D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JAMES HAYDEN,)	CASE NO. 1:17-cv-02635-CAB
)	
Plaintiff,)	JUDGE CHRISTOPHER A. BOYKO
)	
v.)	
)	
2K GAMES, INC. et al.,)	
)	
Defendants.)	

**PLAINTIFF’S THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS
AND THINGS TO TAKE-TWO INTERACTIVE SOFTWARE, INC. (32–42)**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff James Hayden (“Hayden”) requests production of the following documents and things from Defendant Take-Two Interactive Software, Inc. (“Take-Two”), within thirty (30) days of service of these requests at the offices of Calfee, Halter & Griswold LLP, The Calfee Building, 1405 East Sixth Street, Cleveland, Ohio 44114, or at such other time and place as counsel may agree upon. The production made pursuant to these requests is governed by the Federal Rules of Civil Procedure, the Local Rules for the Northern District of Ohio, and by the Definitions and Instructions that follow. Defendants are also requested to serve a written response, separately responding to each request set out herein as required by Rule 34 of the Federal Rules of Civil Procedure.

DEFINITIONS AND INSTRUCTIONS

Hayden incorporates his “Definitions” and “Instructions” from Plaintiff’s First and Second Set of Requests for Production of Documents and Things to Take-Two Interactive Software, Inc., served on May 2, 2019 and July 31, 2019, as if fully set forth below. In addition, the following terms shall have the following meanings:

The term “**NBA Players**” means LeBron James, Danny Green, and/or Tristan Thompson.

REQUESTS FOR PRODUCTION

REQUEST NO. 32

Telemetry data showing the extent to which The NBA Players are used by users while playing the Accused Games, including without limitation: a) data as to the individual NBA Players; b) data as to the teams that include the individual NBA Players; and 3) the data that supports the claims made in TAKE-TWO__00000854.

REQUEST NO. 33

Communications with NBA Properties or NBA Players Association regarding the copyright issue identified in TAKE-TWO_00004104 or any other copyright issue.

REQUEST NO. 34

Documents that show Defendants' and its affiliates' organizational structure and departments related to creation, publishing, marketing, and sales of the Accused Games, including without limitation, documents sufficient to show how the organization changed in the past six months.

REQUEST NO. 35

All notes or records related to the tattoos of NBA Players maintained in Shotgun.

REQUEST NO. 36

Tattoo bug reports from 2015-present (*see, e.g.*, TAKE-TWO_00004616).

REQUEST NO. 37

Exemplary licenses to use music in the Accused Games.

REQUEST NO. 38

Exemplary licenses to use the likeness of any influencer in the Accused Games, including without limitation, Defendants' agreement(s) with Chris Brickley.

REQUEST NO. 39

Any agreements between the NBA Properties and NBA Players Association.

REQUEST NO. 40

Any presentation or other documents used by Defendants to train or educate its employees regarding copyrights.

REQUEST NO. 41

Notes or records of feedback received during “community days” hosted by Visual Concepts from 2015-present.

REQUEST NO. 42

Documents showing or referring to the “Q-Score” of the NBA Players.

Dated: January 31, 2020

Respectfully submitted,

By: /s/ Andrew Alexander

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2020, a copy of the foregoing was served on all counsel of record via electronic mail.

/s/ Andrew Alexander
One of the attorneys for Plaintiff